

AT THE WORK SESSION OF THE HAMPTON PLANNING COMMISSION MEETING HELD IN THE COMMUNITY DEVELOPMENT DEPARTMENT CONFERENCE ROOM, 5TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, MARCH 21, 2024 AT 3:00 P.M.

Vice-Chair Ruthann Kellum called the work session to order at 3:06 P.M.

A call of the roll noted Commissioners Kathy Rogers, Tracy Brooks, Vice-Chair Ruthann Kellum, and Brian DeProfio as being present. Commissioners Trina Coleman, Hope Harper, and Chair Michael Harris and were noted as absent; however, Commissioners Coleman and Harper arrived after the roll call. Staff in attendance was Secretary to the Commission/Community Development Director Bonnie Brown, Deputy Director Hannah Sabo, Planning & Zoning Administration Manager Mike Hayes, Zoning Administrator Allison Jackura, Assistant City Attorney Jessica Kraus, City Planner Davis Pemberton, and Recording Clerk/Support Services Administrative Coordinator Kristie Graves.

The Commission and staff discussed agenda items, with the following information being provided.

Use Permit Application Nos. 23-0280, 23-0352, and 23-0353: These are three use permit applications for short-term rentals (STRs), which were previously deferred to this meeting. At the February meeting, City Council deferred all of the STR use permit applications to the June City Council meeting. Staff is working on ordinance amendments related to STRs and plan to brief the Planning Commission in April. The ordinance amendment should be before the Planning Commission in May and City Council in June. Staff is requesting a deferral of the items until the July 18, 2024 Planning Commission meeting.

One of the key features is a limitation on density. Staff is proposing to divide the City into STR zones. Each zone will be limited to 1% of the total households in that zone. The density cap, if adopted, will limit the number of STRs in the City. Staff briefed City Council on the proposal in February. There are a number of the proposed zones where the number of STRs exceed 1% of the total households in that zone; Buckroe has approximately 2%. There are only 11 STRs that are operating legally, who have gone through the full use permit process. There are 44 STRs on the "grace period" list, who had a business license and Zoning approval prior to December 2022, when the use permit requirement was adopted. Those STRs have a 2-year grace period to be brought into compliance by receiving an approved use permit by December 31, 2024. There are a large number of STRs operating illegally. The City had a stakeholder group made up of cross sections of different community members. Staff took their suggestions into account when creating the ordinance amendment, trying to balance business and community interests.

Another feature of the proposed ordinance amendment for STRs is to remove STRs from the public hearing process by approving them through the Zoning Administrator Permit (ZAP), if there is a good set of standard conditions. The STRs that are pending could also be approved under the ZAP.

Use Permit Application No. 24-0049: This is a use permit application by George LLC d/b/a George Restaurant to permit a restaurant 3 to extend the general hours of operation and to expand the indoor live entertainment performance area at 20 W. Mercury Boulevard [portion of LRSN: 8001841]. This item was deferred at the February Planning Commission meeting to allow the applicant sufficient time to pay delinquent taxes. The applicant has since paid the outstanding taxes in full. As such, staff is now recommending approval of the application. Staff received a letter from a community member regarding George Restaurant objecting the application. Included in the letter is information regarding the restaurant's ABC license application, HPD calls

for service, and a petition from a previous use permit application at the same location. The petition is not related to this particular use permit application. The HPD calls for service are for incidents in the Chamberville/Langley Heights neighborhood surrounding the restaurant, and date back to before the restaurant opened. The proposal was presented before the Nightclub Task Force and they had no concerns. The ABC Board granted the restaurant a probationary ABC license, which the restaurant would have to reapply for in May. The standard for their decision is different from the standards for the Planning Commission's decision. If the application is approved, the restaurant would have to comply with the hours of operation which are more restrictive.

Use Permit Application No. 24-0092: This is a use permit application by TC Green to permit a private school at 3318 and 3320 W. Mercury Boulevard [portion of LRSN: 3001261]. Staff is recommending approval of the application.

Commissioner Coleman advised the Commission that she received a phone call and would not be able to stay for the meeting.

The work session adjourned at 3:26 P.M.

AT THE SPECIAL MEETING AND PUBLIC HEARING OF THE HAMPTON PLANNING COMMISSION HELD IN THE CITY COUNCIL CHAMBERS, 8TH FLOOR, CITY HALL, 22 LINCOLN STREET, HAMPTON, VIRGINIA, ON THURSDAY, MARCH 21, 2024 AT 3:30 P.M.

I. CALL TO ORDER

Vice-Chair Ruthann Kellum called the meeting to order at 3:34 P.M.

II. ROLL CALL

A call of the roll noted Commissioners Kathy Rogers, Tracy Brooks, Vice-Chair Ruthann Kellum, Hope Harper, Brian DeProfio, and Chair Michael Harris as being present. Commissioner Trina Coleman was noted as absent. Staff in attendance was Secretary to the Commission/Community Development Director Bonnie Brown, Deputy Director Hannah Sabo, Planning & Zoning Administration Manager Mike Hayes, Zoning Administrator Allison Jackura, Assistant City Attorney Jessica Kraus, City Planner Davis Pemberton, Junior Youth Planner Helena Folkerts, and Recording Clerk/Support Services Administrative Coordinator Kristie Graves.

III. APPROVAL OF MINUTES

2. 24-0138 – FEBRUARY 22, 2024 PLANNING COMMISSION MEETING

A motion was made by Commissioner Hope Harper and seconded by Vice-Chair Ruthann Kellum to approve the minutes of the February 22, 2024 Work Session and Planning Commission meeting.

A roll call vote on the motion resulted as follows:

AYES:	Kellum, Harper, DeProfio, Harris
NAYS:	None
ABSTAIN:	Rogers, Brooks
ABSENT:	Coleman

Commissioners Rogers and Brooks abstained from voting on the minutes as they were not present at the February 22, 2024, Planning Commission meeting.

IV. PUBLIC HEARING ITEMS

Secretary Bonnie Brown read the key points of the Hampton Planning Commission Public Hearing/Comment Rules.

Ms. Brown advised the Commission that staff is requesting that agenda items IV-3. Use Permit Application No. 23-0280, IV-4. Use Permit Application No. 23-0352 and IV-5. Use Permit Application No. 23-0353 be deferred to the July 18, 2024 Planning Commission meeting. The three (3) applications involve short-term rentals (STRs) that were previously deferred by the Commission. City staff is preparing a set of ordinance amendments regarding STRs. The Commission will be briefed on the ordinance amendments in April, take action in May and be before City Council in June.

Ms. Brown instructed that a separate motion and vote would be required to defer each agenda item. There were no public speakers for the agenda items.

3. UP 23-0280 – CHINWENDU NNAGBO, 507 WHEALTON ROAD [LRSN: 3000788], SHORT-TERM RENTAL (STR)

Use Permit Application No. 23-0280 by Chinwendu Nnagbo to Permit a Short-Term Rental (STR) at 507 Whealton Road [LRSN: 3000788]

A motion was made by Commissioner Kathy Rogers and seconded by Vice-Chair Ruthann Kellum to defer Use Permit Application No. 23-0280 to the July 18, 2024 Planning Commission meeting.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Kellum, Harper, DeProfio, Harris
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman

4. UP 23-0352 – OTIS SCOTT, JR, 28 CASTLE HAVEN ROAD [LRSN: 13000709], SHORT-TERM RENTAL (STR)

Use Permit Application No. 23-0352 by Otis Scott, Jr. to Permit a Short-Term Rental (STR) at 28 Castle Haven Road [LRSN: 13000709]

A motion was made by Commissioner Kathy Rogers and seconded by Commissioner Tracy Brooks to defer Use Permit Application No. 23-0352 to the July 18, 2024 Planning Commission meeting.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Kellum, Harper, DeProfio, Harris
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman

5. UP 23-0353 – PAMELA DESSASO, 100 BAKER FARM DRIVE [LRSN: 6001436], SHORT-TERM RENTAL (STR)

Use Permit Application No. 23-0353 by Pamela Dessaso to Permit a Short-Term Rental (STR) at 100 Baker Farm Road [LRSN: 6001436]

A roll call vote on the motion resulted as follows:

A motion was made by Commissioner Kathy Rogers and seconded by Vice-Chair Ruthann Kellum to defer Use Permit Application No. 23-0353 to the July 18, 2024 Planning Commission meeting.

AYES:	Rogers, Brooks, Kellum, Harper, DeProfio, Harris
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman

Ms. Brown read the public hearing notice on the next agenda item.

6. UP 24-0049 – GEORGE LLC D/B/A GEORGE RESTAURANT, 20 W. MERCURY BOULEVARD, [PORTION OF LRSN: 8001841], RESTAURANT 3 TO EXTEND GENERAL HOURS OF OPERATION AND EXPAND INDOOR LIVE ENTERTAINMENT PERFORMANCE AREA

Use Permit Application No. 24-0049 by George LLC d/b/a George Restaurant to Permit a Restaurant 3 to Extend the General Hours of Operation and to Expand the Indoor Live Entertainment Performance Area Located 20 W. Mercury Boulevard [portion of LRSN: 8001841]

City Planner Davis Pemberton presented the staff report on the subject application. Staff recommends approval of Use Permit Application No. 24-0049 with twelve (12) conditions. The applicant was available to respond to questions on the subject application.

In response to a question from Commissioner Harper, Mr. Davis responded that staff received confirmation from the Commissioner of Revenue Office that the tax issue has been resolved by the applicant, and is no longer an issue.

Debbie Bryant is opposed to expanded hours for George Restaurant citing concerns with traffic and noise. Ms. Bryant submitted a letter, petitions from the neighbors surrounding the restaurant and other documentation to the Commission.

In response to a question from Vice-Chair Kellum, Kurt Hogan, co-owner of George Restaurant, responded that the ABC license had been renewed with the same conditions as previously held.

Assistant City Attorney Jessica Kraus clarified that the ABC license and use permit approvals have two separate regulatory processes and have no bearing on each other. While it is helpful information to know, it is not dispositive to how the Planning Commission will vote today on the use permit application.

In response to a question from Commissioner Harper stated that she understood the concerns from Ms. Bryant and the neighborhood. She added that during the times she has patronized the establishment, she noted that it is geared to a more mature clientele. The incidents mentioned previously were prior to George Restaurant opening at the location. She thanked Ms. Bryant for her comments.

There being no further questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day a use permit application by George LLC d/b/a George Restaurant to permit a restaurant 3 to extend the general hours of operation and to expand the indoor live entertainment performance area in the Neighborhood Commercial (C-1) District;

WHEREAS: the parcel is located at 20 W Mercury Boulevard [portion of LRSN: 8001841];

WHEREAS: the restaurant is currently operating under the conditions of a Zoning Administrator Permit (ZAP), and an approved use permit would permit the expansion of the hours of operation, hours of indoor live entertainment, and indoor live entertainment performance area;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial use for this property;

WHEREAS: staff recommends twelve (12) conditions including but not limited to the hours of operation and indoor live entertainment, location of indoor live entertainment, security, sound, and dancing;

WHEREAS: City staff recommends approval of this use permit application;

WHEREAS: Chair Harper asked staff about prior concerns regarding the previously mentioned outstanding taxes of the existing business;

WHEREAS: City Planner Davis Pemberton stated since the February 2024 Planning Commission meeting, the business had paid the outstanding balance(s) owed to the City of Hampton in full. Following this update, staff is recommending approval of this Use Permit application; and

WHEREAS: one (1) member of the public spoke in opposition of this application.

NOW, THEREFORE, on a motion by Vice-Chair Ruthann Kellum and seconded by Commissioner Brian DeProfio,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0049 with twelve (12) conditions.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Kellum, Harper, DeProfio, Harris
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman

Ms. Brown read the public hearing notice on the next agenda item.

7. UP 24-0092 – TC GREEN, 3318 & 3320 W. MERCURY BOULEVARD, [PORTION OF LRSN: 300126111, PRIVATE SCHOOL]

Use Permit Application No. 24-0092 by TC Green to Permit a Private School at 3318 & 3320 W. Mercury Boulevard [Portion of LRSN: 3001261]

City Planner Davis Pemberton presented the staff report on the subject application. Staff recommends approval of Use Permit Application No. 24-0092 with eight (8) conditions.

The applicant, Thomas Clint Green, provided details on his business and was available to respond to questions on the subject application. Mr. Green thanked City staff for their assistance throughout the use permit application process.

In response to a question from Vice-Chair Kellum, Mr. Green responded that the school vacated their previous location and is looking to expand their size at this location.

In response to a question from Commissioner Brooks, Mr. Green responded that there is ample parking for the school and that the parking was evaluated as part of the use permit

application process. He added that the other businesses in the center have benefitting from the increase in traffic and customers.

There being no further questions or speakers, the Planning Commission approved the following resolution:

WHEREAS: the Hampton Planning Commission has before it this day a use permit application by TC Green to permit a private school in the Limited Commercial (C-2) District;

WHEREAS: the parcel is located at 3318 & 3320 W Mercury Boulevard [portion of LRSN: 3001261];

WHEREAS: the business is currently operating as retail sales, general, and is not currently offering advancement courses and belting advancement;

WHEREAS: the Hampton Community Plan (2006, as amended) recommends commercial use for this property;

WHEREAS: staff recommends eight (8) conditions;

WHEREAS: City staff recommends approval of this use permit application;

WHEREAS: the applicant addressed Planning Commission and thanked staff for their assistance throughout the use permit process; and

WHEREAS: no members of the public spoke for or against this application.

NOW, THEREFORE, on a motion by Vice-Chair Ruthann Kellum and seconded by Commissioner Hope Harper,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 24-0092 with eight (8) conditions.

A roll call vote on the motion resulted as follows:

AYES:	Rogers, Brooks, Kellum, Harper, DeProfio, Harris
NAYS:	None
ABSTAIN:	None
ABSENT:	Coleman

VI. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

6. MONTHLY YOUTH PLANNER REPORT

Junior Youth Planner Helena Folkerts presented the Youth Planner Report for the Hampton Youth Commission (HYC).

On February 9th, the Youth Commission attended the Unity Awards hosted by the Youth Advisory Group (YAG). Attending the ceremony helped to strengthen the relationship with YAG and their stakeholders. Commissioners participated in welcoming guests, introducing speakers, and presenting awards.

On February 26th, at the Executive and Commission meetings, members worked on reaching out to grant recipients and stakeholders. All approved grant applicants have received their first check. HYC Community Participation Committee (CPC) members have begun attending events held by the grant recipients, as they implement the final stages of their projects.

Recruitment for HYC for the 2024 – 2025 school year has begun with in-school recruitment at the four Hampton high schools. The Commission has collected information from over 150 interested youth.

At the March 4th Commission meeting, CPC members worked with grant recipients. The Youth Voice Committee worked on creating questions for the upcoming interview with the Hampton Police Chief on March 18th.

On March 18th, members interviewed the Hampton Police Chief. Questions were related to his job and youth safety.

Upcoming Events:

- March 25th – Executive & Commission Meetings
 - Hampton City Hall – 3rd & 5th floors
 - 4:45 P.M. – 7:30 P. M.

In response to a question from Chair Harris, Ms. Folkerts responded that the Commission emails the interested youth information on HYC, as well as, the application. The applications are reviewed and interviews are held. Mr. Harris added that he received an email from the Youth Commission.

Vice-Chair complimented Ms. Folkerts on the Spring themed presentation.

Chair Harris thanked Ms. Folkerts for the hard work the Youth Commission does.

VII. ITEMS BY THE PUBLIC

There were no items by the public.

VIII. MATTERS BY THE COMMISSION

There were no matters by the Commission.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:04 P.M.

Respectfully Submitted,

Bonnie N. Brown
Secretary to the Commission

APPROVED BY:

Michael Harris
Chairman